IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 377 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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PRAFULCHANDRA MANSING KOTICHA

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Revision Application No. 377 of 2001

MR ND NANAVATI with MR TUSHAR MEHTA for Petitioner No. 1

MR BY MANKAD -PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 03/09/2001

ORAL JUDGEMENT

#. Heard learned advocate for the petitioner Mr.N.D.Nanavati, learned APP Mr.B.Y.Mankad, for the respondent.

#. As per the brief facts of the case an offence under

Sections 3 and 7 of the Essential Commodities Act came to be registered against the present petitioner at Vankaner Taluka Police Station being C.R. No.3026/2000. During the investigation of this offence the Investigating Agency seized one tanker bearing No.GJ/13/T/5439. The petitioner therefore filed an application under Section 451 of Criminal Procedure Code before the trial Court i.e. before the Special Judge, Rajkot for releasing the tanker which was seized by the police as a muddamal. The Special Judge vide his order dated 11.7.2001 though granted the application of the petitioner but put conditions to the extent that the present petitioner shall deposit cash amount of Rs.50,000/- before the Court and shall furnish bail of Rs.3 lacs and the personal bond of like amount. The learned Special Judge also put some conditions against that order for modification and this Revision Application is filed by the petitioner.

#. This case is covered by a decision of this Court in Special Criminal Application No.914/2000 on 20.10.2000 in similar circumstances the Court passed order to release the muddamal tanker on certain conditions. There is no reason to deviate from the order passed by this Court in similar circumstances. In this view of the matter, the order passed by the learned trial Judge which is impugned in this case is set aside and following order is passed below application of the petitioner which is at Ex.41 for possession of muddamal tanker and filed under the provision of 451 of Criminal Procedure Code.

#. The application of the petitioner is allowed, the vehicle in question as described above shall be handed over to the petitioner pending trial on depositing an amount of Rs.20,000/- in cash and furnishing a surety of Rs.2,50,000/- and personal bond of like amount on the following conditions.

(1) petitioner shall keep the vehicle in good conditions.
(2) That the petitioner shall not sell or otherwise transfer the vehicle in question in any manner whatsoever without the permission of the trial Court.
(3) That the petitioner shall ensure that the vehicle does not get involved in any illegal activities and more particularly in transporting contraband solvent.
(4) That the petitioner shall produce the vehicle and other documents before the Investigating Agency whenever Investigating Agency is required to do so.

#. This Revision Application is allowed. Rule is made absolute to the aforesaid extent. D.S. is

permitted.

(J. R. VORA, J.)

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